

# DECLARATION AND POWER OF ATTORNEY

**As a below named inventor, I hereby declare that:**

**My residence, post office address and citizenship are as stated below next to my name:**

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

COATED PARTICLES, METHODS OF MAKING AND USING  
the specification of which:

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I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56\*

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

priority  
claimed

(Number)	(Country)	(Day/Month/Year Filed)	yes	no
(Number)	(Country)	(Day/Month/Year Filed)	yes	no
(Number)	(Country)	(Day/Month/Year Filed)	yes	no

I hereby claim the benefit under Title 35, United States Code, § 119 (e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/297,997      August 16, 2000      Pending Patent Application  
(Application Serial No.)      (Filing Date)      (Status: patented, pending, abandoned)

(Application Serial No.) (Filing Date) (Status: patented, pending, abandoned)

**Power of Attorney:** As a named inventor, I hereby appoint Michael E. Whitham, Reg. No. 32,635, Marshall M. Curtis, Reg. No. 33,138, Clyde R Christofferson, Reg. No. 34,138, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to Whitham, Curtis & Christofferson, PC, 11491 Sunset Hills Road, Suite 340, Reston, Virginia 20190. Telephone calls should be directed to Whitham, Curtis & Christofferson, PC at (703) 787-9400. Faxes should be directed to 703-787-7557.

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PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole

or First Inventor: David Anderson

Inventor's Signature David Anderson

Date:

06/24/02

Residence: 14712 Bluecreek Place, Colonial Heights, Virginia 23834

Citizenship: USA

Post Office Address: \_\_\_\_\_

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\*Title 37, Code of Federal Regulations, § 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application; and (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.

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# PATENTS ONLY

## *Tab settings* ➔ ➔ ➔ ➔

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): <b>David M. Anderson</b>		2. Name and address of receiving party(ies): Name: <b>Lyotropic Therapeutics, Inc.</b>	
Additional names(s) of conveying party(ies)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			
Execution Date: <b>May 12, 2003</b>		Street Address: <b>10487 Lakeridge Parkway</b> <b>Suite 400</b> City: <b>Ashland</b> State: <b>Va</b> ZIP: <b>23005</b>	
Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4. Application number(s) or patent numbers(s): If this document is being filed together with a new application, the execution date of the application is: _____			
A. Patent Application No.(s)  <b>10/170,237 filed on</b> <b>June 13, 2002</b>		B. Patent No.(s)	
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: <b>Ruth Tyler-Cross</b> Internal Address: <b>Whitham, Curtis &amp; Christofferson, PC</b>		6. Total number of applications and patents involved: <b>1</b>	
 <b>30743</b> <small>PATENT TRADEMARK OFFICE</small>		7. Total fee (37 CFR 3.41): .....\$ <b>40.00</b>	
Street Address: <b>11491 Sunset Hills Road, Suite 340</b>		<input checked="" type="checkbox"/> Enclosed - Any excess or insufficiency should be credited or debited to deposit account <input type="checkbox"/> Authorized to be charged to deposit account	
City: <b>Reston</b> State: <b>Va</b> ZIP: <b>20190</b>		8. Deposit account number:  <b>50-2041</b>	
(Attach duplicate copy of this page if paying by deposit account)			

**DO NOT USE THIS SPACE**

### **9. Statement and signature.**

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

**Ruth Tyler-Cross Reg No. 45,922**

Ruth S.

May 16, 2003

**Name of Person Signing**

Date

Total number of pages including cover sheet, attachments, and document:

## ASSIGNMENT OF INVENTION

**WHEREAS I**, David M. Anderson, have invented certain new and useful improvements in an invention entitled: COATED PARTICLES, METHODS OF MAKING AND USING, for which a United States Patent Application has been allotted serial number 10/170,237 and filed on June 13, 2002; and

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**WHEREAS, Lyotropic Therapeutics, Inc.**, having a principal place of business in Ashland, Virginia, hereinafter referred to as ASSIGNEE, is desirous of acquiring certain rights thereunder; and

**NOW THIS INDENTURE WITNESSETH**, that for a valuable consideration, the receipt of which is hereby acknowledged, I hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its possessions and dependencies) and all countries foreign thereto, in and to said invention (whether patentable or not), of any country, which have been or may be granted on said invention or any part thereof, or any divisional, substitute, continuation-in-whole or in part, renewal, reissue or other patent applications based thereon, and based upon said invention, together with the right of said ASSIGNEE to apply for such patent in its own name in all countries of the world where such is permissible by law, and the right to claim the benefit of priority right provided by the International Convention of 1883, as amended to date, and any such priority right:

**AND I do hereby authorize and request the Commissioner of Patents to issue any and all United States Patents which may be granted upon said invention or any part thereof, to said ASSIGNEE;**

**AND I hereby agree for myself, and for my heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any divisional, continuation-in-whole or in part, substitute, renewal, reissue, or other applications for patents for any country that might be deemed necessary by said assignee fully to secure to said assignee its interest as aforesaid in and to said invention or any part thereof, and in and to said several patent of any of them;**

**AND I hereby further agree to sign and properly execute such necessary and lawful papers for application for foreign patents and inventor's certificates for filing applications for United States, foreign patents and inventor's certificates for subdivisions of any applications for patent or inventor's certificate and/or for obtaining any reissue or reissues of any Letters Patent which may be granted for my aforesaid invention and to perform such further acts as may be required to carry out the intent of this agreement as the ASSIGNEE thereof shall hereafter require and prepare at ASSIGNEE'S expense**

Executed this 12<sup>th</sup> day of May, 2003

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David M. Anderson  
David M. Anderson

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.

05900001PA

In Re Application Of: David M. Anderson

Serial No.  
10/170,237

Filing Date  
6/13/02

Examiner  
T. M. Boykin

Group Art Unit  
1711

Title: COATED PARTICLES, METHODS OF MAKING AND USING

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03807 U.S. PRO  
10/624498  
07/23/03

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**CHECK FOR \$40.00  
ASSIGNMENT  
NOTICE OF RECORDATION  
SUBMISSION OF ASSIGNMENT**

in the above identified application.

No additional fee is required.  
 A check in the amount of \$40.00 is attached.  
 The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 50-2041 as described below. A duplicate copy of this sheet is enclosed.  
 Charge the amount of  
 Credit any overpayment.  
 Charge any additional fee required.

**COPY**

Dated: May 16, 2003

Ruth Tyler-Cross  
Reg No. 45,922

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400



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PATENT TRADEMARK OFFICE

I certify that this document and fee is being deposited on [redacted] with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*

**HAND DELIVERED**

*Typed or Printed Name of Person Mailing Correspondence*

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

D. Anderson

Serial No.: 10/170,237

Group Art Unit: 1711

Filed: June 13, 2002

Examiner: Boykin

For: COATED PARTICLES, METHOD OF MAKING AND USING

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

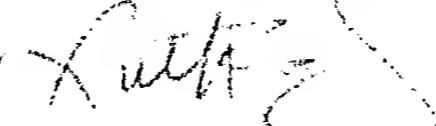
**COPY**

SUBMISSION OF ASSIGNMENT

Sir:

Kindly record and return to the undersigned the attached assignment from David Anderson to Lyotropic Therapeutics, Inc., for the above-identified patent application. Accompanying the assignment and Assignment Recordation Form is our check in the amount of \$40.00 to cover the recording fee for this assignment. Please charge any deficiencies in fees or credit any overpayments to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Ruth Tyler-Cross  
Reg. No.: 45,922

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190  
703-787-9400



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